IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 28657 of 2007(J)

O.P.(MV).NO.2700/2002 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE.

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PETITIONER:

P.GIRIJA, D/O.PRABHAKARAN,
KOTTAKKAL HOUSE, KOTTEKULAM, MELANKODE P.O.,
PALAKKAD, AND W/O.LATE S.CHANDRAN, 5/2027,
'DARSANAM', S.V.COLONY, CALICUT.

BY ADV. SMT.PRABHA R.MENON,
SRI.M.KRISHNAKUMAR.

RESPONDENTS:

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1. **MAYIN HAJI, MANAGING DIRECTOR,**
   M/S.CALICUT GRANITES PRIVATE LIMITED, AGE AND
   FATHER'S NAME NOT KNOWN TO THE APPLICANTS,
   POST.NALLALAM, KOZHIKODE TALUK, KOZHIKODE DISTRICT
   (REGISTERED OWNER OF THE TIPPER LORRY VEHICLE
   BEARING REGISTRATION NO.KL-11/H-5193).

2. **MAJEED.A., S/O.AYISHA, AGED 33 YEARS,**
   RESIDING AT KUNNATHPADIKKAL HOUSE, KUNNAMANGALAM,
   KOZHIKODE TALUK,KOZHIKODE DISTRICT,(REGISTERED
   OWNER OF THE TIPPER LORRY VEHICLE BEARING
   REGISTRATION NO.KL-11/H-5193), DRIVING LICENCE NO.
   5013/86 AND BADGE NO.2161/88.

3. **M/S.NATIONAL INSURANCE COMPANY LIMITED,**
   DD.II.P.B.NO.811,NOOR COMPLEX, MAVOOR ROAD,
   NEAR ARAYEDATHPALAM, KOZHIKODE TALUK,KOZHIKODE DT.
   (INSURER OF THE TIPPER LORRY BEARING REGN.NO.KL-
   11/H-5193,POLICY NO.570301/2001/6312977,(REN-2000
   /6313268)169164 VALID FROM 10-11-01 TO 09-11-2002)

W.P.(C). NO.28657/2007:

4. THE NEW INDIA ASSURANCE CO.LTD.,
DIVISIONAL OFFICE-I, SILVER PLAZA BUILDING,
INDIA GANDHI ROAD, CALICUT, PIN.673 004.
(INSURER OF THE CAR OF S.CHANDRAN, THE DECEASE,
POLICY NO.3176860052521 VALID FROM 14-12-2001 TO
13-12-2002).

BY ADV. SRI.MATHEWS JACOB (SR.),
ADV. SRI.P.JACOB MATHEW.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.28657/2007-J:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CLAIM PETITION.

EXT.P.2: COPY OF THE I.A. 4633/06.

EXT.P.3: COPY OF THE I.A. 1744/07.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

M.N. KRISHNAN, J.

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W.P.C. NO. 28657 OF 2007

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Dated this the 21st day of November, 2007.

J U D G M E N T

This writ petition is preferred to transfer OPMV 2700/02 before the Motor Accidents Claims Tribunal, Kozhikode either to the 1st Addl. District Court, Kozhikode or to the 3rd Addl. District Court and Wakf Tribunal, Kozhikode. The petitioner apprehends that she will not get a fair trial before the Motor Accidents Claims Tribunal, Kozhikode. The reason alleged is that the Court is not prepared to accept the documents produced before the Court. I am not fully satisfied with the grounds alleged but when a party has raised some apprehension about the trial and in order to avoid embarrassment to the Motor Accidents Claims Tribunal, Kozhikode I feel that the case can be transferred to the 1st Addl. District Court, Kozhikode for trial and disposal.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-